

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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-against-

NELSON DIAZ,
a/k/a Abdul Alamin,

Defendant.

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ORDER

20-CR-199 (KMW)

KIMBA M. WOOD, United States District Judge:

The Court finds, by clear and convincing evidence, that Defendant Nelson Diaz has abused Percocet and marijuana in the past few months. Defense counsel's April 13, 2021, letter to the Court acknowledges that Defendant has "from time to time," been using Percocet and marijuana. On February 2, 2021, a urinalysis test performed by the United States Pretrial Services Office came back positive for cocaine and marijuana; on March 19, 2021, an oral swab taken by his methadone maintenance program tested presumptively positive for cocaine and opiates. These are not Defendant's first violations of the conditions of his release; the Government claims to have evidence that, this past summer, Defendant threatened certain witnesses.

The offense charged is a multi-defendant health care fraud conspiracy, in which Defendant's alleged role was to have made over one thousand telephone calls, in each of which he impersonated a different individual. The Government represents that the evidence against defendant is strong; it allegedly includes voluminous telephone records and identifications of Defendant's voice.

Defendant has a long criminal history, spanning over twenty-five years. His convictions include 15 convictions for petit larceny, one for assault, one for menacing with a weapon, one for attempted tampering with physical evidence, and many other crimes.

Although Defendant has lived in New York City all his life, Defendant has few ties to the community. He lives alone. When interviewed by Pretrial Services, he stated that he could not remember the telephone numbers of any of his friends. He speaks frequently by telephone with his sister and his parents (his parents live in Puerto RICO.) He has no contact with his daughter, and no contact with his other siblings.

Defendant stated that he has been unemployed for a very long time, and that he has no employment history. He has no assets and no liabilities.

Defendant has numerous physical and mental afflictions, including hepatitis C with liver cirrhosis, an unidentified mass on one leg, a herniated disc, Bipolar Disorder, Schizophrenia and Depression. Defendant has received two vaccinations (Moderna) against COVID-19.

Taking into account Defendant's abuse of Percocet and marijuana while on release, the Court determines that there are no conditions of release that will reasonably assure the safety of the community.

The Court hereby revokes bail for defendant Nelson Diaz, USM #87808-054, and Defendant is remanded to the custody of the United States Marshal. Defendant shall surrender to the United States Marshals Service on the 4th Floor of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, no later than 10:00 a.m. on Tuesday, April 27, 2021.

SO ORDERED.

Dated: New York, New York
April 16, 2021

/s/ Kimba M. Wood /

KIMBA M. WOOD
United States District Judge

